

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**RUTH MARDEN,
And her husband,**

JOHN MARDEN,

Plaintiffs,

vs.

**GAYLORD ENTERTAINMENT
COMPANY, DEVERY SIMS, AND
PHILLIP DONALDSON**

Defendants.

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**Case No. 3 07 0209
JURY DEMAND
JUDGE TRAUGER**

**DEFENDANT GAYLORD ENTERTAINMENT COMPANY'S MOTION TO
SUBSTITUTE DEPOSITION TRANSCRIPTS OR, IN THE ALTERNATIVE, TO
LEAVE PREVIOUSLY FILED DEPOSITION TRANSCRIPTS UNDER SEAL**

COMES NOW Defendant Gaylord Entertainment Company ("Gaylord") and respectfully moves this Honorable Court for an Order substituting the attached deposition transcripts of Plaintiff Ruth Marden, Plaintiff John Marden, Webb Rizer, Robert Sulligan, and Michael Sweigard for those transcripts for the same persons previously filed by the Gaylord with its Notice of Hearing filed May 15, 2008 (Document No. 57). Gaylord further moves (or moves in the alternative) that the previously filed deposition transcripts either be removed from the Court's e-filing system or remain under seal.

FACTS & ARGUMENT

On May 15, 2008, Gaylord filed a Motion for Summary Judgment through the Court's e-filing system. In support of its Motion, Gaylord also filed a Notice of Filing (Document No. 57) which attaches the deposition transcripts of Plaintiff Ruth Marden, Plaintiff John Marden, Webb

Rizor, Robert Sulligan, and Michael Sweigard. Shortly after filing the same, it was discovered that the transcripts were inadvertently filed without redaction of certain information that neither Gaylord nor the Plaintiffs wish to be available to the public. Gaylord's counsel immediately contacted the Clerk of the Court, who agreed to place the transcripts under seal pending the filing of this Motion. Gaylord now, in an abundance of caution, moves the Court for an Order substituting the attached deposition transcripts of Plaintiff Ruth Marden, Plaintiff John Marden, Webb Rizor, Robert Sulligan, and Michael Sweigard for those previously filed by the Gaylord with its Notice of Hearing filed May 15, 2008 (Document No. 57) and that the previously filed depositions be stricken from the record, remain under seal, or otherwise be restricted from public access.

Respectfully Submitted,

PARKER, LAWRENCE, CANTRELL & DEAN

/s/ Rose P. Cantrell

Rose P. Cantrell (Tn. Bar # 3532)

/s/ Joel P. Surber

Joel P. Surber (Tn. Bar # 21026)

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Attorneys for Gaylord Entertainment Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been delivered to the following via the Court's Electronic Filing System on this 15th day of May, 2008:

Travis Venable, Esq.
LAW OFFICES OF J.D. LEE, PLLC
West Bearden Office Plaza
318 Nancy Lynn Lane, Suite 27
Knoxville, Tennessee 37919
Counsel for Plaintiffs

I further hereby certify that a true and correct copy of the foregoing document was sent to the following via U. S. Mail, first class, postage prepaid on this 15th day of May 2008:

Mr. Devery Sims
518 Dover Glen
Antioch, TN 37013

/s/ Joel P. Surber
Joel P. Surber